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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/762,450

01/23/2004

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EXAMINER

BITAR, NANCY

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2624

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,450	Applicant(s) NAGAHASHI, TOSHINORI	
	Examiner Nancy Bitar	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:06/29/06,11/17/05,08/09/05,01/23/04.

DETAILED ACTION

Response to Amendment

1. Applicant's response to the last Office Action, filed 03/07/2007, has been entered and made of record.
2. Applicant has amended claims 1-4,7-8. Claims 13-14 have been added. Claims 1-14 are currently pending.
3. Applicants arguments filed 06/07/2007 have been fully considered but they are not persuasive.
4. Applicant argues that Kondo fails to teach an image retrieving device including at least a keyword proposing section for proposing the keyword so as to display on a display the keyword which relates to the object which is acknowledge by the object acknowledging section. Additionally the applicant argues that Kondo keyword entered in Figure 9 is not the same as the name entered in step S813 figure 8.

In response, figure 9 shows an example of a window DISPLAYED on a screen in the figure 3 condition window display process (S301) where a user can enter a search periods a keyword an a name of person to be RETRIEVED thus a key face can be retrieved (first embodiment) or the name can be retrieved (2nd embodiment). Kondo gave an example in paragraph [0078] explains the proposing of the keyword where a user DESIGNATE an image of the face of Mr. A as a key image to appropriately extract an image with MR.A from a large amount of stored image data.

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Further the applicant's assertion that keyword entered in Figure 9 is not the same as the name entered in step S813 figure 8 is true since figure 8 teaches the registration of the keyword in the image database 105 see paragraph [0078-0087] whereas figure 9 teaches the "proposing of the keyword" and the image retriever since a user can enter a search period a keyword and a name of a person to be retrieved and to conduct a search the user is only required to enter a desired name or a proposed name see paragraph [0089-0093]. Additionally the applicant's argument that the combination of all the features recited in claims 1-14 makes the applicant's invention patentable different is not found persuasive and thus Kondo still reads on the applicant's claimed invention.

5. All remaining arguments are reliant on the aforementioned and addressed arguments and thus are considered to be wholly addressed herein.

Examiner Notes

6. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation “proposing the keyword so as to display the keyword “ is generally narrative and indefinite, it is unclear what feature or element is being further defined by this claim language, is it displaying the keyword of the database or the proposed keyword? The claim fails to clearly point out and distinctly claim applicant’s invention. Claims 2-7 and 9-14 are variously dependent from claim 1 and 8 and are thus similarly indefinite.

Claim Rejections - 35 U.S.C. § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3,6-10,12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kondo et al (2002/0111939).

As to claim 1, Kondo et al. teaches an image retrieving device (image data retrieval apparatus, 100,200, figure 1) for classifying and retrieving an image by detecting an object in the image and adding a keyword, the image retrieving device comprising: an image storing section for storing the image, which is supposed to be classified and retrieved together with the keyword in a database (image database, 105,figure 1); an object acknowledging section for acknowledging a predetermined object in the image which is inputted (a user designates an image or holder to be registered. In accordance with the designation a first image is input at step S803, step S805 a decision is made as to whether the input image includes any figure of a person. If so then at step S807 all figures in the image have their respective face images cut out , paragraph [0081-0082]); a keyword proposing section for proposing the keyword so as to display on a display the keyword which relates to the object which is acknowledged by the object acknowledging section (step S813 a name is entered to correspond to the face image. Then at step S815 the face image cut out and the entered name are correlated with each other and thus registered in the face dictionary, paragraph [0084]); and an object information inputting section for confirming, adding, and correcting the keyword which is proposed by the keyword proposing section (from step s811 to s819, paragraph [0086-0088].

As to claim 2, Kondo et al. teaches an image retrieving device according to claim 1 wherein the object acknowledging section includes: a human detection condition inputting section for setting up conditions for determining whether or not the image contains a human (step s805, a decision is made as to whether the input image includes any figure of a person); a face image detecting section for detecting a face image in the image; and a face image

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similarity determining section for detecting a face image which is detected by the face image detecting section so as to detect a similar face image stored in the database according to the detected face image (step s809 an image of the face of a first person is read and at step s811 a decision is made as to whether the face image has already been registered in a face dictionary, paragraph [0084-0087]).

As to claim 3, Kondo et al. teaches an image-retrieving device according to claim 2 wherein the object information inputting section serves as a personal information inputting section for confirming, adding, and correcting personal information (the information obtains more than one item of information, paragraph [0020]).

As to claim 5, Kondo et al teaches an image retrieving device according to claim 2 further comprising a keyword proposing section for proposing the keyword to the image which is inputted last in a case in which the similar face image is not detected by the face image similarity determining section (paragraph [0084] if not a keyword name is entered to correspond to the face image).

As to claim 6, and 9-10 and 12, Kondo et al teaches an image-retrieving device according to claim 1 wherein the keyword is added according to a retrieving template, which is formed by the keywords, which have hierarchical structure (paragraph [0094-0097]).

As to claim 7 differ from claim 1 only in that claim 7 is a method claim whereas; claim 1 is an apparatus claim. Thus, claim 7 is analyzed as previously discussed with respect to claim 1 above.

As to claim 8 differ from claim 1 only in that claim 8 is a computer claim whereas; claim 1 is an apparatus claim. Thus, claim 8 is analyzed as previously discussed with respect to claim 1 above.

As to claim 13 and 14, Kondo teaches a the keyword have a hierarchical structure (the retrieval key image in order to expedite and simply the retrieval of the image, paragraph [0015])

Claim Rejections - 35 U.S.C. § 103

10. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kondo et al. in view of Luo et al. (US 6,826,316).

While Kondo meets a number of the limitations of the claimed invention, as pointed out more fully above, Kondo fails to specifically teach the a skin color area detecting section is used when the human is detected. Specifically, Luo et al. discloses a study of a photographic image database of over 2000 images, over 70% of the photographic images have people and about the same

number of images have sizable faces in them. Indeed, people are the single most important subject in photographs. Moreover, Luo et al teaches the use of an image retrieval system by providing perceptually significant features of the image where the use of skin detection as one of a semantic feature utilizes color image segmentation and a predetermined skin where the skin region classification is based on maximum probability according to the average color of a segmented region. The probabilities are mapped to a belief output via a sigmoid belief function. Because the use of skin detection helps retrieve feature based similarities of faces in an image by computing a belief value for all pixels using the Bayes net (column 6, lines 61-67). It would have been obvious to one of ordinary skill in the art to use the skin algorithm in Kondo in order to get better and accurate recognition result thus getting certain identification. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention by applicant.

As to claim 11, Kondo et al teaches an image-retrieving device according to claim 1 wherein the keyword is added according to a retrieving template, which is formed by the keywords, which have hierarchical structure (paragraph [0094-0097]).

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nancy Bitar whose telephone number is 571-270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Bitar



SAMIR AHMED
PRIMARY EXAMINER

8/29/2007